

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

v.

REPUBLIC STEEL,

Defendant.

Civil Action No. 5:22-cv-02163

The Honorable John R. Adams

**UNITED STATES' RENEWED UNOPPOSED MOTION TO ENTER REVISED
PROPOSED CONSENT DECREE**

The United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), respectfully requests that this Court enter the revised proposed Consent Decree, which is attached as Exhibit 1. For the Court’s convenience, a comparison version showing the redline changes to the original proposed Consent Decree is attached as Exhibit 2. The revised proposed Consent Decree is substantively the same as the proposed Consent Decree that was lodged in this case on December 1, 2022, and moved for entry on February 6, 2023. *See* ECF No. 2-1 and ECF No. 5. The immaterial changes only pertain to the start date requirements for the Defendant Republic Steel to implement the compliance provisions to account for the recent idling of its steel manufacturing facility in Canton, Ohio.

As explained in the accompanying Memorandum, the Parties revised the proposed Consent Decree to address the recent idling of Defendant’s Canton, Ohio facility by changing the trigger dates for the compliance obligations to take effect prior to any planned operations of the facility, rather than following the Date of Entry. The revised Consent Decree is substantively the same as the initial proposed Consent Decree, as it still requires the Defendant to: (1) comply with

the Clean Air Act by installing and operating emission controls at its steel manufacturing facility to reduce lead emissions from the facility's Flexcast VTD and cooling tower; (2) complete comprehensive testing to demonstrate compliance with lead limits at the Flexcast VTD under an EPA-approved testing protocol; (3) install and operate a compliance management system for the Flexcast VTD to ensure proper monitoring, recording, and recordkeeping; (4) modify its permit for the installation and continuous operation of the newly installed emission controls at the Flexcast VTD and cooling tower; (5) submit semiannual reports to EPA describing the work and progress made toward implementing the requirements in the Consent Decree; and (6) pay \$990,000 as a civil penalty.

For the reasons set forth in the initial Memorandum in Support of the Motion to Enter, *see* ECF 5-1, and as outlined at the Court's fairness hearing and in the post hearing briefing, *see* ECF 16, the United States respectfully requests that this Court find that the Consent Decree is fair, reasonable, and consistent with the public interest, and enter the revised decree. The signature line for the Court is on page 43 of the decree.

Respectfully submitted,

FOR THE UNITED STATES:

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

Dated: September 19, 2023

/s/ Samantha M. Ricci
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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2023, I caused the *United States' Renewed Unopposed Motion to Enter Revised Consent Decree* to be filed electronically with the Clerk of Court through ECF. And I hereby certify that on September 19, 2023, I caused copies of the foregoing filings to be served on the following individuals by electronic mail:

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Dated: September 19, 2023

s/ Samantha M. Ricci
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